

CHAPTER 33-06-05

SCHOOL IMMUNIZATION REQUIREMENTS

Section
33-06-05-01 Requirements

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1. **Definitions.** As used in this section:
 - a. "Age-appropriate immunizations" refers to the vaccines a child should receive based on age and previous immunization history as recommended by the advisory committee on immunization practices of the United States department of health and human services and outlined by the North Dakota immunization schedule.
 - b. "Beliefs" as used in subsection 3 of North Dakota Century Code section 23-07-17.1 means sincerely held religious, philosophical, or moral beliefs which are not a pretense for avoiding legal requirements.
 - c. "Institution" includes all early childhood facilities, head start programs, preschool educational facilities, public and private kindergartens, and elementary and high schools operating in North Dakota.
 - d. "Institutional authority" means anyone designated by the governing body of an institution.
2. **Minimum requirements.**
 - a. Minimum requirements for children attending early childhood facilities, head start programs, and preschool educational facilities shall be age-appropriate immunizations against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, and rubella. Each child must also be adequately immunized for haemophilus influenzae type B disease at the age-appropriate schedule recommended by the state department of health. Effective January 1, 2004, each child must be adequately immunized against varicella (chickenpox) disease according to the advisory committee on immunization practices (ACIP), unless there is a reliable history of varicella (chickenpox) disease, medical, or "beliefs" exemption. In the case of a child with a history of chickenpox disease or other exemption, an exemption form should be signed by the child's physician or parent or guardian.
 - b. Minimum requirements for children attending kindergartens and elementary and high schools shall be age-appropriate immunizations against diphtheria, pertussis, tetanus, poliomyelitis,

measles, mumps, and rubella. A second dose of measles, mumps, and rubella (MMR) vaccine is required for children who entered kindergarten or first grade in the 1992-93 school year. Each subsequent year, the next higher grade will be included in the second dose immunization requirement so those students transferring into North Dakota schools are added to the MMR immunization cohort.

- c. Effective with the 2000-01 school year, in addition to the immunizations previously mentioned, a student must complete the hepatitis B vaccine series prior to entry into kindergarten or first grade if the student's school does not have a kindergarten. Each subsequent year, the next higher grade will be included in the hepatitis B immunization requirement so those students transferring into North Dakota schools are added to the hepatitis B immunization cohort.
 - d. Effective with the 2004-05 school year, in addition to the immunizations previously mentioned, a student must receive the varicella (chickenpox) vaccine before being admitted into any kindergarten or first grade if the student's school does not have a kindergarten. Each subsequent year, the next higher grade will be included in the varicella immunization requirement so those students transferring into North Dakota schools are added to the varicella immunization cohort. A child with a reliable history of chickenpox disease or who has a medical or "beliefs" exemption is exempt from the above requirement. A physician or parent or guardian must sign an exemption form stating that the child has had chickenpox disease or has a medical or "beliefs" exemption. The exemption form must be kept on file with the immunization records at the child's school.
3. **Recordkeeping and reporting.** Records and reports requested by the state department of health shall be completed and submitted to the state department of health.
- a. Certificates of immunization or other official proof of immunization must be presented to the designated institutional authority before any child is admitted to an institution. The parent or guardian of a child claiming a medical or belief exemption shall present an appropriately signed statement of exemption to the designated institutional authority. Proof of immunization or the statement of exemption must be maintained by the child's school or early childhood facility.
 - b. The school or early childhood facility immunization summary report must be submitted to the state department of health by November first of each year or such other annual date as the department may designate.

4. **Appointment of an institutional authority.**

- a. An institutional authority shall be appointed for each institution by its governing board or authorized personnel. The authority must be an employee of such institution.
- b. The name of the designated institutional authority, the institution, address, and telephone number shall be submitted to the appropriate governing state department by July first of each year.

5. **Provisional admission - Exclusion.** Any child admitted to school or early childhood facility under the provision that such child is in the process of receiving the required immunizations shall be required to receive the immunizations according to the recommended schedule set forth by the state department of health. Any child not adhering to the recommended schedule shall provide proof of immunization or a certificate of immunization within thirty days of enrollment or be excluded from school or early childhood facility.

History: Amended effective November 1, 1979; September 1, 1991; January 1, 1998; February 1, 2000; January 1, 2004.

General Authority: NDCC 23-01-03

Law Implemented: NDCC 23-07-17.1